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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,792

02/09/2004

Isamu Suzuki

01-525

3343

23400

7590

11/03/2006

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

NGUYEN, THU V

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/771,792	SUZUKI, ISAMU	
	Examiner	Art Unit	
	Thu Nguyen	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19, 20 and 23 is/are rejected.
- 7) ☒ Claim(s) 21, 22, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on July 18, 2006 has been entered. By this amendment, claims 19-25 have been added, all claims 1-25 are now pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 19, last limitation (the last three lines), the claimed "distinguishes the operation of the passenger from the operation of the driver on the basis of a positional relationship between the approach position and the touch position" is ambiguous. Neither the claim nor the specification discloses how the touch position is used to determine operation of the driver or the passenger. According to the specification page 10, lines 26-27, page 11, lines 1-5, the position information of the selected switch is used to determine the operation item being selected; the position information of the selected switch does not appear to be used in distinguishing the operation of the passenger or of the driver.
- b. Other claims are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura Kenji (JP 11-312053) in view of Philipp (US 2003/0132922).

As per claim 19, Kimura discloses an operation equipment for a vehicle, the equipment includes: a display having a touch switch and a touch sensor (para 0008); an electronic control unit ECU 6 (fig.2) (para 0012); the electronic control unit determines that the predetermined function is allowed when the vehicle is stopping or when it is operated by a passenger (para 0004); the touch switch detects a touch position of a finger when the driver or the passenger touch the display (para 0008); moreover, since Kimura discloses limiting operation of certain control function to a driver when the vehicle is under transit (para 0004) and since including a driving sensor for detecting stopping or running condition of the vehicle would have been well known, Kimura obviously encompasses including the driving sensor. Kimura does not explicitly disclose the touch sensor for detecting an approach position of a hand or a finger when the driver or passenger moves closer to the display, and the electronic unit distinguishes the operation of the passenger from the operation of the driver on the basis of a positional relationship between the approach position and the touch position. However, Phillip discloses a touch screen capable of detecting approach position of a hand or a finger of the driver or passenger using the circuitry installed in the touch screen (para 0046), and Kimura teaches the

capability of distinguishing the operation of the passenger from the driver (para 0008), it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the circuitry for detecting approaching position of the hand or finger taught by Philipp to the touch display of Kimura in order to determine the function desired to be performed by the person after recognizing whether the operation is from the passenger or from the driver of the vehicle.

As per claim 20, refer to claim 19 above, furthermore, providing a plurality of switches for controlling different predetermined functions such as the volume, the heating, the navigation operation, etc. to allow the user to control several systems within the vehicle on the single touch panel display would have been both well known and obvious matter of design choice.

As per claim 23, Kimura teaches that providing vehicle navigation system would have been well known (para 0003). Further, using parking brake sensor for detecting running condition of the vehicle, displaying a map of geography around the vehicle on a navigation unit would have been well known. Since Kimura teaches navigation system with the capability of detecting whether the vehicle is running for determining limitation to the driver control (para 0003-0004), Kimura obviously encompasses including devices such as the well known parking brake sensor and the display of a map of geography for determining running condition of the vehicle and for providing navigation to the user.

Allowable Subject Matter

5. Claims 1-18 are allowed.

6. Claims 21-22, 24-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose an operation equipment for a vehicle disclosed in claim 1, or a combination of claim 19 with either claim 21, 22, or 24. The operation equipment includes a display having a touch switch disposed on one side of the screen of the display, and a touch sensor for detecting an operation of a passenger or a driver of the vehicle; an electronic unit determines that the predetermined function is allowed to perform when the vehicle is stopping or when the function is operated by the operation of the passenger; the electronic control unit determines the operation of the passenger when the touch sensor detects a capacitance between the touch sensor and the finger (or the hand) in case where the touch switch is disposed on the driver' side of the screen, and the electronic control unit determined the operation of the driver when the touch sensor detects a capacitance between the touch sensor and a finger (or a hand) in a case where the touch switch is disposed on a passenger's side of the screen. The prior arts of record either alone or combined do not disclose determining the operation of the passenger when the touch sensor detects a capacitance between the touch sensor and the finger (or the hand) in case where the touch switch is disposed on the driver' side of the screen, and determining the operation of the driver when the touch sensor detects a capacitance between the touch sensor and the finger (or the hand) in a case where the touch switch is disposed on a passenger's side of the screen.

Response to Arguments

Applicant's arguments on claims 1-19 are persuasive.

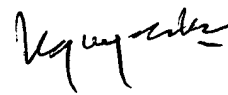
Concerning claims 19-20, and 23, refer to the 35 USC 112 second paragraph and the 35 USC 103 rejection above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 30, 2006


THU V. NGUYEN
PRIMARY EXAMINER